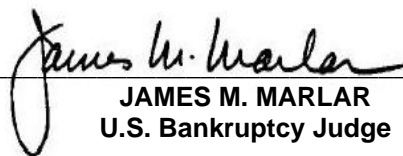


SIGNED.



Dated: September 30, 2008

  
JAMES M. MARLAR  
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

In re: ) Chapter 7  
MARK A MANSHEIM and MARY ) No. 4:07-bk-02263-JMM  
LAURA MANSHEIM, )  
Debtors. ) **MEMORANDUM DECISION**

On June 16, 2008, creditors Kyle Robbins and Wendy Robbins ("Robbins") filed a motion to hold the Debtors in civil contempt (Dkt. #55) for their failure to appear for a 2004 examination in their administrative case. The date of that examination was supposed to have been March 20, 2008. Apparently, the Debtors failed to appear.

Subsequently, on April 8, 2008, Robbins filed an adversary proceeding, seeking a non-dischargeable judgment against the Debtors. The Debtors defaulted, and a judgment for \$101,098 was entered on June 16, 2008. That judgment is final, no appeal having been taken.

According to Rule 69, FED. R. CIV. P. (made applicable to bankruptcy proceedings by FED. R. BANKR. P. 7069), collection activity for federal judgments is governed by each state's unique creditors' rights laws.

The adversary file reflects no efforts to attempt collection on the judgment (Adversary No. 4:08-ap-00263-JMM), which brings us back to the discussion concerning the contempt motion.

The contempt motion is based on an administrative order relating to a 2004 examination which pre-dated the filing of the Robbins' adversary proceeding. By its own terms, the

1 2004 examination was intended to discover information which could lead to the processing of a non-  
2 dischargeability complaint (*see* Dkts. #35, #36), as well as the administration of the case.

3 Now that judgment has already been rendered, in favor of Robbins on the non-  
4 dischargeability complaint, the long past non-appearance at the 2004 examination has no  
5 significance. In other words, there has been no showing of prejudice, and the issues related to the  
6 2004 examination have been rendered moot by entry of judgment in the adversary proceeding.

7 Additionally, the Debtors were granted a general discharge as to their other creditors  
8 on August 25, 2008 (Dkt. #53).

9 Accordingly, this court finds no legal reason to hold the Debtors in contempt for their  
10 failure to appear at a 2004 examination last March, noticed up by creditors who have since had their  
11 debt declared non-dischargeable. No purpose is to be served thereby. Additionally, the Trustee has  
12 not complained that the Debtors have been uncooperative, or have otherwise hampered her ability  
13 to promptly liquidate available assets.

14 Accordingly, an order will be entered which denies the request to hold the Debtors in  
15 contempt, and which will vacate the hearing currently set for October 2, 2008, as moot.

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17 DATED AND SIGNED ABOVE.  
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COPIES served as indicated below:

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By /s/ M. B. Thompson  
Judicial Assistant

SIGNED

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7 **IN THE UNITED STATES BANKRUPTCY COURT**  
8 **FOR THE DISTRICT OF ARIZONA**  
9

10 In re: ) Chapter 7  
11 MARK A MANSHEIM and MARY ) No. 4:07-bk-02263-JMM  
12 LAURA MANSHEIM, ) **ORDER**  
13 \_\_\_\_\_ Debtors. )

14 Creditors Kyle Robbins and Wendy Robbins filed a motion to hold the Debtors in civil  
15 contempt (Dkt. #55) for their failure to appear for a 2004 examination. Consistent with the court's  
16 Memorandum Decision,

17 IT IS HEREBY ORDERED DENYING the motion to hold the Debtors in contempt,  
18 as moot, and

19 IT IS FURTHER ORDERED VACATING the hearing currently set for October 2,  
20 2008, as moot.

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22 DATED AND SIGNED ABOVE.  
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Judicial Assistant

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